

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Thomas A. Harris, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Stephen Kane, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Diana Monopoli, Deputy Clerk.

**F049939      Peraino v. Merced Irrigation District et al.**

Cause called and argued by Barry J. Bennett, Esq., counsel for appellant and by Corbett Browning, Esq., counsel for respondent.

Cause ordered submitted.

**F052005      In re Bobby F. Sr. on Habeas Corpus**

**Kern Co. Dept. of Human Services v. Bobby F. Sr.**

Cause called and argued by Marin Williamson, Esq., counsel for petitioner and by Jennifer Zahry, Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, February 22, 2007 at 11:00 A.M.

**F050080      Lydick v. Vecente**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F050080      Lydick v. Vecente**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F050168      In re F.C. et al., Minors**

The judgment is reversed and remanded to the trial court with directions. The parties shall bear their own costs on appeal. Harris, Acting P.J.

We concur: Dawson, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F049556      Lopez v. Calderon et al.**

Appellant's petition for rehearing filed herein is denied.

**F049371      People v. Quevedo, Jr.**

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F048609      People v. Apodaca**

The judgment of conviction is affirmed. We remand with directions for the trial court to strike the 10-year enhancement imposed pursuant to section 12022.5 and to prepare a new abstract of judgment, circulating the new abstract to the appropriate authorities. Wiseman, Acting P.J.

We concur: Cornell, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F049811      People v. Moran**

Appellant's petition for rehearing filed herein is denied.

**F048466      People v. Torres**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F050599      People v. Ross**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F050599      People v. Ross**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F050109      People v. Gonzales**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F050109      People v. Gonzales**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F052071      Cazarez v. Fresno Bulldog House Movers**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140(b)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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Order Regarding Supplemental Briefing

In cases remanded from the United States Supreme Court for further consideration in light of *Cunningham v. California* (2007) 549 U.S. \_\_\_\_ [127 S.Ct. 856, 2007 U.S. Lexis 1324]:

- (1) Within 30 days after of the order remanding the case to the Court of Appeal for further proceedings, appellant may serve and file a supplemental opening brief in the Court of Appeal. Within 30 days after such a brief is filed, the respondent may serve and file a supplemental responding brief.
- (2) Supplemental briefs must be limited to matters arising after the previous Court of Appeal decision in the cause.

JAMES A. ARDAIZ, P.J.